

HOUSE BILL NO. 32

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES RAUSCHER, McCabe, Rasmussen

Introduced: 2/18/21

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act providing civil immunity to recreational vehicle park owners for certain**
2 **damages; and providing civil immunity from liability related to the inherent risks of**
3 **camping."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 09.65 is amended by adding new sections to read:

6 **Sec. 09.65.360. Immunity for recreational vehicle park owners.** The owner
7 of a recreational vehicle park is not liable for civil damages to guest property resulting
8 from state or municipal action.

9 **Sec. 09.65.370. Immunity related to inherent risks of camping.** (a) Except
10 as provided in (b) of this section and AS 23.30, an owner, employee, or officer of a
11 private campground is not liable for civil damages resulting from the inherent risk of
12 camping at a private campground, including the following natural features, conditions,
13 and activities that may pose a danger or hazard:

14 (1) trees, tree stumps, naturally occurring infectious agents, roots,

1 brush, rocks, mud, sand, soil, and standing and moving water;

2 (2) uneven and unpredictable terrain;

3 (3) natural bodies of water and accessories facilitating the use of
4 natural bodies of water, including piers, docks, equipment related to swimming and
5 aquatic sports, and recreational facilities or areas;

6 (4) lighting or lack of lighting at campsites;

7 (5) campfires in or outside a fire pit or enclosure provided by the
8 private campground or a bonfire, grass or brush fire, wildfire, or forest fire;

9 (6) weather and weather-related events;

10 (7) presence of wild animals;

11 (8) presence of domestic animals belonging to a private campground
12 guest, unless the owner, an employee, or an officer of the private campground has
13 accepted responsibility for care of the animal;

14 (9) an action by a private campground guest that violates safety rules
15 or disregards signs or another method of communicating warnings;

16 (10) negligence committed by another guest of the private
17 campground;

18 (11) participation by a private campground guest in an activity that
19 exceeds the guest's physical limitations or abilities, including climbing, rappelling,
20 caving, mountaineering, or another related activity;

21 (12) ignition of fireworks by a guest of the private campground or
22 offsite entity not authorized by the owner, an employee, or an officer of the private
23 campground; or

24 (13) actions of a person who is not a guest of the private campground
25 and who is not invited by the owner, an employee, or an officer of the private
26 campground.

27 (b) The immunity provided under (a) of this section does not apply to damages
28 that, although related to an inherent risk of camping at a private campground, occur as
29 a result of the

30 (1) gross negligence, recklessness, or intentional misconduct of the
31 owner, an employee, or an officer of the private campground; or

(2) failure to post conspicuous signs, as provided in (c) of this section, warning of a dangerous and inconspicuous condition known by the owner, an employee, or an officer of the private campground to have previously caused injury to a person; a warning sign described in this paragraph must appear in black letters on a white background and in a font not smaller than 72 points.

(c) Every written contract between a private campground and a private campground guest and every warning sign posted to warn of a dangerous and inconspicuous condition known by the owner, an employee, or an officer of the private campground to have previously caused injury to a person must contain, in clearly readable print, the following notice:

"WARNING

Under AS 09.65.370, an owner, employee, or officer of a private campground is not liable for an injury to or the death of a person or damage to property resulting from the inherent risks of camping."

(d) In this section, "private campground" means a parcel of land and its appurtenant structures that is owned or operated by a private person and has five or more sites available for use as temporary living quarters for recreational, camping, travel, or seasonal use or as a recreational vehicle park.

* **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) Nothing in AS 09.65.370, enacted by sec. 1 of this Act, modifies the application of AS 23.30.

(b) This Act applies to a contract between a private campground and a guest of the private campground entered into on or after the effective date of this Act.